

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

2020-12-11

2. Department

California Department of Social Services (CDSS)

3. Organizational Placement (Division/Branch/Office Name)

Community Care Licensing Division (CCLD)

4. CEA Position Title

Assistant Deputy Director- Child Care Program

5. Summary of proposed position description and how it relates to the program's mission or purpose.
(2-3 sentences)

Serving under the direct supervision of the Deputy Director of CCLD, the CEA Range B, Assistant Deputy Director (ADD) -Child Care Program is a key member of the Division's executive team. The ADD is responsible for providing overall guidance to CDSS executive leadership and the Administration to inform statewide Child Care Licensing Program Policy, representing the Department with legislative partners, advocates and other stakeholders, and for ensuring effective operations the Child Care Program throughout the State.

6. Reports to: (Class Title/Level)

Deputy Director / CEA C

7. Relationship with Department Director (*Select one*)

- ☐ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☒ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(*Explain*): The CEA regularly consults with and advises the Deputy Director, Chief Deputy Director, and Director on program matters.

8. Organizational Level (*Select one*)

☐ 1st ☐ 2nd ☒ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Serving under the direct supervision of the Deputy Director of CCLD, the CEA Range B, ADD -Child Care Program is a key member of the Division's executive team.

The position is responsible for providing overall guidance and analysis to CDSS executive leadership and the Administration to inform statewide Child Care Licensing Program Policy. This position represents the Department in Legislative discussions, statewide policy discussions, collective bargaining with child care unions, and meetings with advocates; sets major policy initiatives for the Program; and anticipates and guides the development of budget proposals. The ADD is responsible for the day to day administration of the Child Care Program, responsible for overseeing 557 staff in 18 regional offices throughout the State. Major policy issues are interpreted and addressed by the ADD, in response to specific situations that arise and questions and issues raised by the field staff, licensees, provider organizations, counties responsible for licensing Family Child Care Homes and internal and external stakeholders. The ADD is authorized to act on behalf of the Deputy Director of CCLD in the absence of that official, and to authorize and settle administrative actions sought by the Department against licensed child care facilities. The ADD is the primary liaison with the newly formed Child Care and Development Division of DSS.

The ADD guides a team, including a CEA A, to develop and oversee the implementation of the Child Care Program policies, goals, objectives, and procedures. Works closely with the corresponding program policy sections within the Division and Department to oversee and negotiate policy decisions with significant program impact. Confers, recommends and advises the Deputy Director on needed regulation policies and procedural changes which impact the Child Care Program and CCLD.

Provides overall direction to the management team and regional offices responsible for the administration and implementation of regulations, policy, and procedures; ensures uniform enforcement of regulations in regional offices including pursuit of administrative action against problem facilities using statewide procedures and standards; reviews and approves administrative actions against facilities violating statutes and regulations. Provides policy clarification to regional offices on existing statutes, regulations, policies, procedures and interpretive material. Ensures overall data collection and analysis of outcomes to inform decision making and policy.

Represents the program with legislative staff, staff from other departments or governmental agencies and the media on issues affecting the Child Care Program. May testify on critical or sensitive program issues before legislative committees. Communicates with advocacy groups, the general public, and private organizations to promote and enhance the program's goals and objectives. Contact with these associations includes complaint resolution, negotiations regarding decisions and directions taken by the Division and participation on work groups to address specific issues and develop statewide policy or new programs.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The mission of the CDSS is to serve, aid, and protect needy and vulnerable children and adults in ways that strengthen and preserve families, encourage personal responsibility, and foster independence.

To that end, the primary function of the CCLD is to oversee the health and safety of our approximately 70,000 licensed adult and children's facilities throughout California. These facilities include those that serve the most vulnerable in our society. The critical nature of the work performed by this Division helps to prevent the neglect, abuse and possible death of those we are charged with protecting.

The Child Care Program is not only a top priority for the Department, but also for the Administration. The Master Plan on Early Childhood Development focuses on ensuring there are quality care opportunities for children throughout their childhood. CCLD has a significant role in the licensing and oversight of child care facilities, ensuring the health and safety needs of children are safeguarded and they have opportunities for growth and development.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The CCLD is currently proposing a reorganization to add two additional ADDs (CEA B), for the following functions of the division: Residential Programs, Child Care Program and existing Central Operations. This would bring the Division's total to three ADDs and six CEA A's.

This current request adds an ADD to oversee the Child Care Program. The Child Care Program has grown by 63% in the past seven years. Due to the recent unionization of child care licensees, collective bargaining will add an additional workload going forward. Additionally, the Governor's decision to move Early Childhood Programs to CDSS from CDE, effective July 1, 2021 will increase additional complexity and workload in the Child Care Program. The newly formed Division will not be within the purview of CCLD, however, will have a direct impact on needed licensing.

Over time, CCLD has experienced not only an increase in oversight authority, but an increase in complexity and demand to respond to disasters, pandemic, and legislation that has stretched the capacity of our current organizational structure. Additionally, under the Child Care Development Block Grant (CCDBG), annual inspections are now mandated and the Division was allocated 208 positions in childcare licensing to conduct this work. Furthermore, under the Governor's directive to create a Master Plan on Early Childhood Development, several new initiatives were launched that require significant participation from the Child Care Licensing team within CDSS. These include, but are not limited to: Quality Counts California, designed to support continuous quality improvement of early learning and care (ELC) programs across the continuum of ELC setting types; Early Learning Integrated Data Systems to evaluate and improve services to Children and Families, as part of the Cradle to Career Data System; and the newly formed Union and associated collective bargaining work for child care providers.

In California, there are over 40,000 licensed child care programs with the capacity to serve over 1 million children. The administration of these programs are led by a CEA A, along with 5 Assistant Program Administrators (Licensing Program Manager III). The Child Care Licensing program consist of 18 Regional Offices and 1 satellite office, with approximately 548 staff responsible for the direct administration of the licensing and enforcement activities of licensed early learning and care programs. The current public health emergency, and California's ongoing natural disasters have had a significant impact on the child care industry, creating a need to provide guidance and oversight to ensure minimal health and safety standards for temporary "pop-up" child care facilities. Child Care has evolved from its humble beginnings where it was viewed as babysitting or a service to offer for women as they entered the workforce. Today's Administration recognizes how essential early childhood programs are to California's economy and believes that by investing and improving in the health and quality of life of children, improves outcomes, including higher education levels, better health, and stronger career opportunities. The administration of the licensing of child care programs is an important part of the broader early care and learning system. Child Care Licensing provides quality supports through standards, regulations, monitoring, and connections with other parts of the system all necessary so that all families have access to equitable and quality care. California's investment in the early learning and education industry has increased the work activities of the state's lead agency overseeing the health and safety of these program.

As more attention has been focused on child care through the primary objectives of this Administration, there is a heightened focus and increased demands from the legislative branch, statewide advocacy groups, unions, and other stakeholders. This position is necessary to effectively respond to and meet the challenges ahead. With a division of 1560 employees, we have determined that the span of control for our existing Deputy Director and current ADD is not sustainable.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA has frequent contact with the Deputy Director of the CCLD on policy development, legislative testimony, licensing issues and regional office activities. Communicates with staff of the Central Operations Branch, Policy Branch, other CCLD Programs, the office of the Chief Counsel and various administrative support units. The Administrator is heavily involved in the legal issues, particularly adverse actions against facilities. Also has substantial contact with the general public, legislative offices, the media, provider organizations, advocacy groups and a variety of professionals, including attorneys, physicians, architects, etc.

Some examples of policies that this CEA will be responsible for include:

Incidental Medical Services: As places of public accommodation, licensed child care facilities have obligations under federal and state disability laws, including Title III of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12181 et seq), the California Unruh Civil Rights Act (Civil Code Sections 51 et seq.), and the California Disabled Persons Act (Civil Code Sections 54 et seq.) It is the responsibility of each child care licensee to determine its legal obligations under the ADA and California disability laws. Disability laws require a child care facility to undertake an individualized assessment of a situation if the child care facility receives a request to provide incidental medical service as an accommodation to a child with a disability. Consistent with its policies, the Department permits the provision of incidental medical services in licensed child care facilities.

Annual Inspections: Health and Safety Code Sections 1597.09 and 1597.55a state the Legislature's intent to achieve annual inspections for licensed child day care centers and family day care homes by July 1, 2021. The Child Care Program (CCP) transitioned to annual inspections starting March 1, 2019. To meet this goal, CCP hired additional Licensing Program Analysts (LPAs), opened five new Regional Offices, and implemented a new team of four Technical Support Program (TSP) Analysts, who will provide on-site direct technical assistance to licensees and their staff.

Safe Sleep Regulations: Safe sleep regulations became effective August 19, 2020. Over the past several years, the Child Care Program Office worked with a wide range of partners and stakeholders to develop Safe Sleep regulations for licensed child day care centers and family day care homes. The Program utilized resources from the California SIDS Program, American Academy of Pediatrics, and Caring for Our Children National Health and Safety Performance Standards to develop these safe sleep requirements in order to reduce the risk of unsafe sleeping environments. Through the adoption and implementation of these regulations, the Program strives to strengthen our policies and improve health and safety standards for child day care centers and family day care homes. While Sudden Infant Death Syndrome (SIDS) cannot be predicted, the implementation of these regulations by providers can help to reduce the risk of sleep-related infant deaths.

Mandated Civil Penalties: On September 29, 2016, Governor Brown signed Assembly Bill (AB) 2231, Chapter 823, Statutes of 2016, enacting new requirements for facilities licensed by the Community Care Licensing Division (CCLD). This bill implemented the following changes: Mandated civil penalties for violations that result in death, serious bodily injury and physical abuse are now calculated based on capacity of the licensed child care facility; Increased civil penalties for specified facility categories for violations of licensing requirements, defined "repeat violations"; Changed repeat violation penalty amounts; Required the Department to assist licensees with prevention of repeat violations; and Changed how the Department categorizes complaint investigation findings.

Immunizations: Senate Bills (SB) 277, (SB) 792 and (SB) 276 all contributed to changes required of child care providers with regards to immunizations. The Department was responsible for ensuring licensed providers understood and met the expectations of these new laws.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The ADD will be responsible for the development and maintenance of policies and procedures to direct program operations, implementation of regulations within the branches, staffing and management functions of the Programs under her or his purview, adverse actions on licensees, and day to day budget decisions. The ADD will inform strategic direction of the programs, major policy decisions, legislative decisions and overall budget decisions.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The new ADD position will be handling both current and emerging policy. The sheer volume of change activity is more than the current Deputy Director can efficiently and effectively handle without the assistance of an ADD leader. Both the Deputy Director and the ADD will be actively involved in high level discussions with Legislative staff and advocacy groups in the development of forthcoming legislation. Additionally they will be involved with County, advocacy representatives and legal in the development and promulgation of regulations. Their role in this context will be in the development and negotiation with outside stakeholders on major issues of licensing and enforcement policy.